

FILED

DEC 14 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY any
DEPUTY CLERK

W10CR288

UNITED STATES OF AMERICA,

* CRIMINAL NO.

Plaintiff,

INDICTMENT

V.

ANGELA CUELLAR (1),
CHRISTINE ELIFRITZ (2),
aka Korean Kim,
YOLANDA RAMOS (3),
aka GiGi
DIANE RIVERA (4),

Defendants

* [VIO: COUNT ONE: 18 U.S.C. 1028(f) {18
* U.S.C. 1028(a)(7) and 1028(b)(1)(D)} -
* Conspiracy to Commit Identity Theft;
* COUNTS TWO, THREE, FOUR, and FIVE:
* 18 U.S.C. 1028A(a)(1) - Aggravated Identity
* Theft; COUNT SIX and COUNT SEVEN: 18
* U.S.C. 1028A(a)(1) - Aggravated Identity
* Theft; 18 U.S.C. 2 - Aiding and Abetting]
*

THE GRAND JURY CHARGES:

COUNT ONE[18 U.S.C. 1028(f) {1028(a)(7) and 1028(b)(1)(D)}]A. INTRODUCTION

1. At all times relevant to this Indictment, Integrated Biometrics Technology (IBT) was a business engaged in conducting fingerprint and background security clearances for applicants.

2. From March 10, 2008 to July 27, 2008, Defendant ANGELA CUELLAR was employed by IBT in Waco, Texas as a Live Scan Operator.

B. THE OBJECTS AND PURPOSES OF THE CONSPIRACY

3. During the course of Defendant ANGELA CUELLAR's employment at IBT, individual victims completed background security applications, known as FAST applications, which were required by licensing and certification entities such as the Texas Education Agency. The applications contained each victim's name, address, date of birth, social security number, driver's license information, and other identifying information.

4. On or about July 27, 2008, the Defendant ANGELA CUELLAR left her employment at IBT and stole thousands of the FAST applications. Pursuant to her duties at IBT, once an applicant's background check was completed, CUELLAR had a duty to destroy the application. CUELLAR kept the applications, instead of destroying them, so that she could have access to the identifying information on the victim's application.

5. Defendant ANGELA CUELLER, upon leaving IBT, used, gave away, or traded victims' information so that members of the conspiracy could fraudulently obtain credit cards, goods, and services in victims' names.

6. Members of the conspiracy, including ANGELA CUELLER, CHRISTINE ELIFRITZ (aka Korean Kim), YOLANDA RAMOS (aka GiGi), and DIANE RIVERA and others, did in fact use the victims' identifying information to fraudulently obtain credit cards, open accounts, and obtain goods and services from business entities throughout the United States.

7. Members of the conspiracy caused credit cards and merchandise to be shipped or mailed to various addresses in the Waco area in victims' names.

During the course and in furtherance of the conspiracy and in order to accomplish the objects thereof, the following overt acts, among others, were committed in the Western District of Texas and elsewhere:

a. On or about December 15, 2009, Defendant ANGELA CUELLAR obtained a fraudulent J.C. Penney account in the name of victim Julia Irvin.

b. On or about August 1, 2010, merchandise fraudulently obtained from the J.C. Penney account in the name of Julia Irvin was shipped to Defendant DIANE RIVERA's residence in Waco, Texas.

c. On or about December 5, 2009, Defendants ANGELA CUELLER and CHRISTINE ELIFRITZ (aka Korean Kim) fraudulently obtained a Dell computer and computer equipment in the name of victim Julia Montez and caused the items to be shipped to Defendant CHRISTINE ELIFRITZ's mother's residence in Mount Calm, Hill County, Texas.

d. On or about August 6, 2010, Defendants ANGELA CUELLER and YOLANDA RAMOS fraudulently opened an electricity account with Green Mountain Energy in the name of victim Tonya Ellis for service at a residence on Driftwood Drive in Waco, Texas where some of the Defendants were staying.

From on or about July 27, 2008, and continuing until at least November 8, 2010, the exact dates unknown to the Grand Jury, in the Western District of Texas and elsewhere, the Defendants,

ANGELA CUELLAR,
CHRISTINE ELIFRITZ
aka Korean Kim,
YOLANDA RAMOS
aka GiGi,
and
DIANE RIVERA,

and others, both known and unknown to the Grand Jury, did unlawfully and willfully combine, conspire, confederate and agree together and with each other and others to transfer, possess, and use in or affecting interstate or foreign commerce, without lawful authority, a means of identification of another person, to-wit: names, social security numbers, and dates of birth, with the intent to commit and in connection with an unlawful activity that constitutes a felony violation under the laws of the State of Texas, to-wit: Fraudulent Use of Identifying Information, Texas Penal Code §32.51, and as a result of the offense, obtained a thing of value aggregating \$1,000 or more during any one year period, contrary to Title 18, United States Code, Sections 1028(a)(7) and 1028(b)(1)(D) and in violation of Title 18, United States Code, Section 1028(f).

COUNT TWO
[18 U.S.C. 1028A(a)(1)]

On or about August 1, 2010, the exact date unknown to the Grand Jury, in the Western District of Texas, the Defendant,

ANGELA CUELLAR,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to-wit: the name, social security number, and date of birth of Julia Irvin, during and in relation to a felony, in violation of Title 18, United States Code, Section 1341, to-wit: Mail Fraud, all in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT THREE
[18 U.S.C. 1028A(a)(1)]

On or about August 6, 2010, the exact date unknown to the Grand Jury, in the Western District of Texas, the Defendant,

ANGELA CUELLAR,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to-wit: the name, social security number, and date of birth of Julia Irvin, during and in relation to a felony, in violation of Title 18, United States Code, Section 1341, to-wit: Mail Fraud, all in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT FOUR
[18 U.S.C. 1028A(a)(1)]

On or about August 1, 2010, the exact date unknown to the Grand Jury, in the Western District of Texas, the Defendant,

ANGELA CUELLAR,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to-wit: the name , social security number, and date of birth of Daniel Ross Smith, during and in relation to a felony, in violation of Title 18, United States Code, Section 1341, to-wit: Mail Fraud, all in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT FIVE
[18 U.S.C. 1028A(a)(1)]

On or about August 3, 2010, the exact date unknown to the Grand Jury, in the Western District of Texas, the Defendant,

ANGELA CUELLAR,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to-wit: the name , social security number, and date of birth of Natalie McDonald, during and in relation to a felony, in violation of Title 18, United States Code, Section 1341, to-wit: Mail Fraud, all in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT SIX
[18 U.S.C. 1028A(a)(1) and 2]

On or about December 5, 2009, the exact date unknown to the Grand Jury, in the Western District of Texas, the Defendants,

ANGELA CUELLAR,
and
CHRISTINE ELIFRITZ,
aka Korean Kim,

aided and abetted by each other, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to-wit: the name , social security number, and date of birth of Julia Montez, during and in relation to a felony, in violation of Title 18, United States Code,

Section 1341, to-wit: Mail Fraud, all in violation of Title 18, United States Code, Section 1028A(a)(1) and 2.

COUNT SEVEN
[18 U.S.C. 1028A(a)(1) and 2]

In or around August, 2010, the exact date unknown to the Grand Jury, in the Western District of Texas, the Defendants,


ANGELA CUELLAR,
and
YOLANDA RAMOS,
aka GiGi,

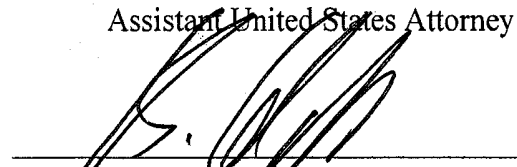
aided and abetted by each other, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to-wit: the name , social security number, and date of birth of Tonya Ellis, during and in relation to a felony, in violation of Title 18, United States Code, Section 1341, to-wit: Mail Fraud, all in violation of Title 18, United States Code, Section 1028A(a)(1) and 2.

A TRUE BILL:

**SEALED DOCUMENT PURSUANT
TO E-GOVERNMENT ACT OF 2002**
FOREPERSON

JOHN E. MURPHY
United States Attorney


By: STEPHANIE SMITH-BURRIS
Assistant United States Attorney


By: GREGORY S. GLOFF
Assistant United States Attorney

REMARKS:

SEALED X

UNSEALED

PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

W10CR288
CASE NO.

DATE: 12-14-2010 MAG CT. #

CASE NO. _____

COUNTY: McLENNAN and elsewhere

JUDGE WALTER S. SMITH, JR.

ASSISTANT U. S. ATTORNEY GREGORY S. GLOFF and STEPHANIE SMITH-BURRIS

DEFENDANT: CHRISTINE ELIFRITZ (2) aka Korean Kim DOB: _____

CITIZENSHIP: United States X Mexican Other

INTERPRETER NEEDED: Yes _____ No X Language _____

DEFENSE ATTORNEY: _____

DEFENDANT IS: In Jail NO WHERE: _____
On Bond NO

PROSECUTION BY: INFORMATION _____ INDICTMENT ☒ X

OFFENSE: (Code & Description) COUNT ONE: 18 U.S.C. 1028(f) [18 U.S.C. 1028(a)(7) and 1028(b)(1)(D)] – Conspiracy to Commit Identity Theft; COUNT SIX: 18 U.S.C. 1028A(a)(1) – Aggravated Identity Theft; 18 U.S.C. 2 – Aiding and Abetting

OFFENSE IS: FELONY X MISDEMEANOR

MAXIMUM SENTENCE: COUNT ONE: Not more than 15 years custody; \$250,000 fine; \$100 special assessment; not more than 5 years TSR; COUNT SIX: Not less than 2 years **MANDATORY to run consecutively to any sentence received in any other count**; \$250,000 fine; \$100 special assessment; not more than 1 year TSR

PENALTY IS MANDATORY: YES concerning:
Special Assessment and TSR
Mandatory Minimum

REMARKS:

SEALED X

UNSEALED

PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

DATE: 12-14-2010 MAG CT. #

CASE NO **W10CR288**

COUNTY: McLENNAN and elsewhere

JUDGE WALTER S. SMITH, JR.

ASSISTANT U. S. ATTORNEY _____ GREGORY S. GLOFF and STEPHANIE SMITH-BURRIS

DEFENDANT: YOLANDA RAMOS (3) aka GiGi

DOB: _____

CITIZENSHIP: United States X Mexican Other

INTERPRETER NEEDED: Yes _____ No X Language _____

DEFENSE ATTORNEY: _____

DEFENDANT IS: In Jail NO WHERE:

On Bond NO

PROSECUTION BY: INFORMATION INDICTMENT ☒ X

OFFENSE: (Code & Description) COUNT ONE: 18 U.S.C. 1028(f) [18 U.S.C. 1028(a)(7) and 1028(b)(1)(D)] – Conspiracy to Commit Identity Theft; COUNT SEVEN: 18 U.S.C. 1028A(a)(1) – Aggravated Identity Theft; 18 U.S.C. 2 – Aiding and Abetting

OFFENSE IS: FELONY X MISDEMEANOR

MAXIMUM SENTENCE: COUNT ONE: Not more than 15 years custody; \$250,000 fine; \$100 special assessment; not more than 5 years TSR; COUNT SEVEN: Not less than 2 years **MANDATORY to run consecutively to any sentence received in any other count**; \$250,000 fine; \$100 special assessment; not more than 1 year TSR

PENALTY IS MANDATORY: YES concerning:
Special Assessment and TSR
Mandatory Minimum

REMARKS:

SEALED X

UNSEALED____

PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

DATE: 12-14-2010 MAG CT. # _____

CASE NO. **W10CR288**

COUNTY: McLENNAN and elsewhere

JUDGE WALTER S. SMITH, JR.

ASSISTANT U. S. ATTORNEY _____ GREGORY S. GLOFF and STEPHANIE SMITH-BURRIS

DEFENDANT: DIANE RIVERA (4)

DOB: _____

CITIZENSHIP: United States X Mexican Other

INTERPRETER NEEDED: Yes _____ No X Language _____

DEFENSE ATTORNEY: _____

DEFENDANT IS: In Jail NO WHERE: _____
On Bond NO

PROSECUTION BY: INFORMATION INDICTMENT X

OFFENSE: (Code & Description) COUNT ONE: 18 U.S.C. 1028(f) [18 U.S.C. 1028(a)(7) and 1028(b)(1)(D)] – Conspiracy to Commit Identity Theft

OFFENSE IS: FELONY X MISDEMEANOR

MAXIMUM SENTENCE: COUNT ONE: Not more than 15 years custody; \$250,000 fine; \$100 special assessment;
not more than 5 years TSR

PENALTY IS MANDATORY: YES concerning:
Special Assessment and TSR

REMARKS: